



U.S. MERIT SYSTEMS PROTECTION BOARD

Case Report for April 8, 2022

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COURT DECISIONS

NONPRECEDENTIAL:

Fairfax v. Department of the Army, No. [21-1802](#) (Fed. Cir. Apr. 7, 2022) (DC-1221-18-0499-W-3, DC-1221-19-0257-W-2): Rule 36 affirmance.

Luft v. Department of the Army, No. [22-1034](#) (Fed. Cir. Apr. 7, 2022) (DA-0432-21-0090-I-1): The court granted Mr. Luft's motion to proceed in forma pauperis and transferred the mixed-case appeal to the U.S. District Court for the Northern District of Texas. The court noted that, if Mr. Luft wanted to withdraw his petition for review pending before the Merit Systems Protection Board, he must file a motion at the Board seeking such relief.

Campbell v. Office of Personnel Management, No. [22-1255](#) (Fed. Cir. Apr. 5, 2022) (AT-844E-21-0048-I-1): The court dismissed the petition for review as untimely filed.

Rivera v. Merit Systems Protection Board, No. [22-1330](#) (Fed. Cir. Apr. 4, 2022) (NY-0714-21-0158-I-1): Based on the parties' joint stipulation, the court dismissed the petition for review and directed the Merit Systems Protection Board to reopen the matter for further adjudication.

Williams v. Department of Veterans Affairs, No. [21-2229](#) (Fed. Cir. Apr. 1, 2022) (No. 200610-06970): The court granted the agency's unopposed motion

to remand the appeal to allow the arbitrator to reevaluate his determination concerning the standard of proof and the penalty choice of removal in light of the court's decisions in *Rodriguez v. Department of Veterans Affairs*, 8 F.4th 1290 (Fed. Cir. 2021), and *Connor v. Department of Veterans Affairs*, 8 F.4th 1319 (Fed. Cir. 2021).

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